

Title 33
ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 2. Recycling

Chapter 105. Waste Tires

§10505. Definitions

A. The following words, terms, and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Applicant—any person submitting a grant and or loan application for funds from the Waste Tire Management Fund.

Grant—any funds awarded by the department from the Waste Tire Management Fund to a person subject to a grant agreement.

Grant Agreement—a written contract or other written agreement between the department and the recipient of a grant that defines the conditions, goals, and responsibilities of the recipient and the department.

Grant Application—an application meeting the requirements of LAC 33:VII.10541 from a person making a request for a grant from the Waste Tire Management Fund.

Grantee—the recipient of a grant or loan.

Loan—any issuance of funds by the department from the Waste Tire Management Fund to a person subject to a loan agreement.

Loan Agreement—a written contract or other written agreement between the department and the recipient of a loan that defines the conditions, goals, and responsibilities of the recipient and the department.

Loan Application—an application meeting the requirements of LAC 33:VII.10541 from a person making a request for a loan from the Waste Tire Management Fund.

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29:2779 (December 2003), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:** (December 2005).

§10539. Grants and Loans Applicability

A. The department may award a grant or loan to a person for any use that serves the purpose of:

1. encouraging market research and the development of products from waste tires that are marketable and provide a beneficial use; and/or
2. promoting those waste tire products that have beneficial use; and
3. assisting in solving the state's waste tire problem.

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§10541. Application for a Grant or Loan

A. A person may apply for a grant or loan from the Waste Tire Management Fund by making application to the Department of Environmental Quality, Office of Management and Finance. The grant or loan application must be submitted on a form obtained from the department, which shall be available on the department's website. Along with this form, the request for a grant or loan must include information on the following non-exclusive items:

1. a detailed description of the project for which the grant or loan is requested and how the project meets the requirements of LAC 33:VII.10539-R.S. 30:2418(G) that the funds be used "solely for the purpose of solving the state's waste tire problem";

2. the amount of the grant or loan request;

3. the projected time frame for completion of the project for which the grant or loan is requested;

4. an analysis of how the grant or loan monies will be used to encourage market research and the development of, provide for products from waste tires that are marketable and that provide for a beneficial use, and/or provide for the promotion of those waste tire products that have beneficial use;

5. a detailed explanation of how the grantee will account for the use of the grant or loan funds;

6. procedures for reporting to the department on an annual basis the status of the project. The department may require additional reporting;

7. how the recipient will provide for any permits that may be necessary in order for the project to be completed, and the status of the applicant's efforts to obtain the necessary permits; and

8. any other information deemed necessary by the department.

B. Upon receipt of the grant application or loan application, the department shall review the application, may request additional information from the applicant, may deny the application, or may grant the application.

1. The denial of a grant application or loan application is a final decision of the administrative authority.

2. The granting of the application does not award funds, but allows for the applicant and the department to enter into a grant or loan agreement. The grant or loan agreement constitutes the conditions, goals, and responsibilities of the recipient and the department. The grant agreement or loan agreement, as a condition of the agreement, may require offsets for amounts due from any subsidy payments made in accordance with LAC 33:VII.10535.

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§10543. Violations

A. Failure to Comply. The grantee shall comply with all provisions of the grant agreement or loan agreement. In the event of a violation, the department may take any enforcement action authorized by the Act, including but not limited to:

1. issuance of a compliance order;
2. issuance of a notice of potential penalty and/or a penalty;
3. filing suit for recovery of the grant or loan amounts; or
4. the placing of a lien on any real property of the grantee for the amount of the grant or loan funds.

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